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Via E-mail and U.S. Mail

Blake Lyon, Senior Planner
City of Redwood City
P.O. Box 391
Redwood City, CA 94064-0391

Re: Cargill Salt Pond Development Proposal Notice of Preparation

Dear Mr. Lyon:

We write on behalf of Save The Bay to comment on the Notice of Preparation (NOP) of an environmental impact report (EIR) for Redwood City's consideration of the proposed Cargill Salt Pond Development Project (Saltworks Project).

The proposed Saltworks Project site is a remarkable property. It lies immediately adjacent to Greco Island, the largest contiguous tidal marsh on the western side of the Bay. Greco Island is one of the main population centers of California clapper rail in South Bay. The site is also adjacent to the Don Edwards San Francisco National Wildlife Refuge and is within the congressionally-approved expansion boundaries of the Refuge. Located along the Pacific Flyway, the Refuge hosts over 280 species of birds each year.

The Project site, and surrounding area, has high potential for tidal marsh restoration and enhancement of seasonal wetlands and salt ponds for shorebirds. Scientists estimate that the Bay needs 100,000 acres of healthy wetlands for the entire ecosystem to thrive. These salt ponds are one of the few remaining places that can be restored, providing much-needed habitat for endangered species and nursery grounds for young fish and birds. The City's General Plan explicitly envisions that the salt ponds will "remain as open space forever," and the longstanding "Tidal Plain" zoning precludes development. In fact, the Project site is adjacent to the California Coastal Conservancy's South Bay Salt Pond Restoration Project, which is the largest restoration project on the

West Coast. When complete, the South Bay Restoration Project will restore over 15,000 acres of salt ponds to tidal wetlands and other habitats.

This site is simply too important and ecologically valuable to develop. Ninety percent of San Francisco Bay wetlands have already been destroyed. The Cargill property offers a rare and tremendous opportunity for wetland restoration. To this end, Save The Bay has consistently urged the City Council to disapprove the Saltworks Project at the outset, without conducting an expensive, politically divisive, and unnecessary EIR. The City unquestionably has the power to deny the Project without first preparing an EIR or conducting any review pursuant to the California Environmental Quality Act (CEQA). *See* CEQA Guidelines § 15270 ("CEQA does not apply to projects which a public agency rejects or disapproves."); Pub. Res. Code § 21080(b)(5) (same). Moreover, given that the City's General Plan envisions that the salt ponds will "remain as open space forever," the City Council has no legal power to approve the Project at all unless it first decides to abandon this long-standing general plan policy. *FUTURE v. Bd. of Supervisors*, 62 Cal. App. 4th 1332, 1336 (1998).

Because the City is nonetheless moving forward with an EIR for the Saltworks Project, Save The Bay seeks to ensure that this EIR fully complies with the law. The EIR must undertake a comprehensive and detailed evaluation of the Project's potential environmental impacts, and should avoid all significant unmitigatable impacts or reduce impacts to less than significant levels. .

I. PROJECT DESCRIPTION

One of CEQA's fundamental requirements is that an EIR contain an accurate and complete project description. *See County of Inyo v. City of Los Angeles*, 71 Cal. App. 3d 185 (1977); *see also* 14 Cal. Code Regs. § 15124 (CEQA Guidelines). A clear and comprehensive project description is the sine qua non for meaningful public review. Without it, the public cannot be assured that the environmental impacts of the *entire* project have been considered in the EIR.

Project EIRs are often inadequate due to omissions in the project description and project setting information. Here, the NOP explains that additional information is needed to complete the project description and that the City will not have a complete project description and a preliminary list of alternatives until a second NOP is prepared, sometime in 2011.

This Project, as proposed, is enormously complex, including residential, office, commercial, schools and community facilities. Yet the information that is

provided in the NOP is fundamentally inadequate for serious formal review under CEQA. Critical Project components are undefined, such as the perimeter levee system for flood protection and the on- and off-site stormwater management system intended to protect the site from flooding. [1] The failure to provide these Project details is particularly problematic given the nature of the proposed Project site, which has significant hydrological issues (e.g., wetlands, location within the 100-year flood zone and its exposure to rising sea levels). In addition, while the applicant purports to reduce the number of vehicles on area bridges and freeways and to reduce emissions of greenhouse gases (GHG), the NOP lacks any real insight as to how these Project goals might be accomplished. The NOP contains no detail about how this supposed "transit-oriented" community will work because the transit system is undefined and key off-site elements are not proposed to be funded by the developer. Another critical concern is the lack of detail pertaining to the Project's potable water supplies and the feasibility of utilizing a transfer of water from the Central Valley and the necessary infrastructure and institutional arrangements to facilitate this proposed transfer. Nor have other critical services and infrastructure been defined such as wastewater treatment and sanitary sewer service. These service and infrastructure facilities are critical components of the Project. By not providing these fundamental details, the NOP gives the public no choice but to guess at the Project's potential environmental impacts.

The NOP's project description is also deeply misleading, and troubling, in its characterization of the Project site. For instance, the NOP repeatedly refers to the salt ponds as a "Solar Salt Production Facility." We understand that this may be the term that the project applicant prefers because it comports with the applicant's efforts to portray the area as an industrial wasteland. However, Cargill's Redwood City property is a salt pond, in law[2] and in fact.[3] The City's characterization does not reflect the actual conditions on the Project site, and it is not consistent with CEQA's requirements for objective, good faith disclosure of a Project's potentially significant environmental

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[1] Overview of Application Submittal & Statement of Justification, Saltworks 50/50 Balanced Plan Executive Summary at 1 and "Redwood City Saltworks."

[2] California Gov. Code sec. 66602.1 (Macateer-Petris Act), http://www.bcdc.ca.gov/laws_plans/mcateer_petris.shtml; BCDC Bay Plan, "Salt Ponds." http://www.bcdc.ca.gov/laws_plans/plans/sfbay_plan#28

[3] http://www.cargill.com/cs/sf_bay/ ("For generations, salt makers have protected an abundance of wildlife in the colorful salt ponds along the south San Francisco Bay shoreline.")

impacts. In this regard, we note that while the NOP accepts the applicant's mischaracterization of the Project site, it completely overlooks the more accurate descriptions of the site provided by the U.S. Environmental Protection Agency and the San Francisco Bay Regional Water Quality Control Board. *See, e.g.,* Letter from Elizabeth Morrison, Senior Environmental Scientist, San Francisco Bay Regional Water Quality Control Board, to Thomas Passanissi, Principal Planner, City of Redwood City (June 24, 2010), p.2. (describing the "salt crystallization pond" as "an important biological resource" that provides "foraging and nesting habitat for a variety of birds"); Letter from Alexis Strauss, Director, Water Division, USEPA Region 9, to Lt. Col. Laurence M. Farrell, District Engineer, San Francisco District, USACE (January 5, 2010), p.3. (characterizing the salt ponds as "critically important aquatic resources that warrant special attention and protection").

Equally troubling, the NOP fails to define the specific objectives for this Project. Inasmuch as the project objectives are intended to state the true "underlying purpose of the project," the City's release of the NOP appears to be entirely premature. CEQA Guidelines § 15124(b). While we understand the City intends to develop the Project objectives based on the public's responses to the NOP, we believe it is the City's responsibility to first identify Project objectives and then determine whether the proposed Project is capable of meeting these objectives. By punting this issue to the public, the City makes a mockery of the CEQA process. More important, in the absence of project objectives, it is extremely difficult to identify and evaluate reasonable project alternatives.

II. ENVIRONMENTAL IMPACTS

Analysis of environmental impacts must be guided by CEQA's fundamental purpose of "inform[ing] the public and responsible officials of the environmental consequences of their decisions before they are made." *Laurel Heights Improvement Ass'n v. Regents of the Univ. of Cal.*, 6 Cal. 4th 1112, 1123 (1988). To accomplish this purpose, an EIR must be detailed, complete, and reflect a good faith effort at full disclosure. CEQA Guidelines § 15151. It must contain facts and analysis, not just an agency's bare conclusions. *See Citizens of Goleta Valley v. Bd. of Supervisors*, 52 Cal. 3d 553, 568 (1990). In short, the document should provide a sufficient degree of analysis to inform the public about the proposed project's adverse environmental impacts and to allow decision makers to make intelligent judgments about whether or how the project should proceed. CEQA Guidelines §15151.

As discussed above, in the absence of a sufficient description of the Project, it is not possible to completely evaluate the scope of impacts that should be considered in the Saltworks Project EIR. Accordingly, we intend to submit additional scoping comments once the City publishes the next iteration of the NOP. The comments that follow are based on the information that has been provided to date and on the environmental checklist form contained in the CEQA Guidelines, Appendix G. The enumeration of categories of potential impacts below does not suggest that other impacts would not also be significant.

A. Wetlands, Waters of the United States, and Water Quality

The EIR for the Saltworks Project must analyze the Project's impacts on wetlands as a result of grading, placement of facilities, polluted runoff from streets, and potential use of groundwater. To this end, the EIR must include the following:

1. A delineation of all wetlands and waters of the United States including both wetlands subject to federal wetlands protection (verified by the U.S. Army Corps of Engineers) and other wetlands and waters with biological significance.

2. An identification of the wetlands and waters that are proposed to be filled. This identification must include the acreages of temporary as well as permanent fill. A map should be provided indicating the location of wetlands with an overlay of proposed development (so that land use diagrams can be modified to remove development potential from these areas).

3. A discussion of the standards by which regulatory agencies evaluate proposals for development that may directly or indirectly impact wetlands and waters of the United States.

4. A recognition and discussion of the U.S. Army Corps of Engineers' Preliminary Jurisdictional Determination that virtually the entire site is "waters of the United States," and the U.S. EPA's concerns regarding that determination.

5. An avoidance alternative consistent with the requirements of the U.S. Army Corps of Engineers, the California Department of Fish and Game, and the Regional Water Quality Control Board.

6. An assessment whether the Project will conflict with state and local policies calling for the restoration of salt marshes, tideflats and wetland habitat.

In addition, the EIR should determine whether development of the proposed Project would result in the violation of any water quality standards, deplete groundwater supplies or interfere with groundwater recharge, alter the existing drainage pattern of the site, or result in substantial new amounts of polluted runoff. Significant impacts to the hydrologic regime and water quality are likely as a result of the proposed Project because the decommissioning of the site will involve extensive grading and fill. Water quality and water resources impacts will also occur both from construction activities and the ongoing development projects. The EIR should identify the methods for treating and retaining on-site stormwater runoff from all new impervious surface areas, including roads, parking areas, rooftops, and driveways.

B. Biological Resources

Development of the Project site will have potentially significant impacts on sensitive habitats that support special-status species including, but not limited to endangered salt marsh harvest mouse, federal-threatened western snowy plover, federal- and state-endangered California least tern, state-threatened California black rail, federal- and state-endangered California clapper rail, and federal threatened steelhead. In addition, the Project site is also listed as critical habitat for federal-threatened green sturgeon.

The proposed Project may result in significant impacts on these and other biological resources as a result of extensive grading, alteration of topography (including the breaching of levees), and the resulting erosion and sedimentation. A full analysis of these impacts, based on complete information about new soft and hard coverage by development and grading and anticipated acres of vegetation removal will be essential to avoid all significant unmitigatable impacts or reduce impacts to less than significant levels.

A detailed analysis of potentially significant impacts to biological resources must be prepared by a qualified, independent biologist with expertise in aquatic habitats. The biological resources study must be based on surveys and detailed field studies that are completed at appropriate times of the year for each species potentially in the area. A search of the California Natural Diversity Database (CNDDB) maintained by the Department of Fish & Game is a good starting point, but it is not sufficient to provide the level of detail necessary for the EIR. Detailed field studies and surveys must be the basis for the analysis. It is essential for the EIR to contain clear maps identifying the resources of importance overlaid with proposed development (including recreational uses) so that

the impacts of the alternatives can be compared and mitigation measures can be identified. The proposed Project should identify areas where development should not occur because of species and habitat impacts.

Mitigation measures for impacts to biological resources should be supported by the U.S. Fish and Wildlife Service and the Department of Fish and Game. Deferral of mitigation measures until specific projects are proposed and federal and state permitting processes have begun is not appropriate.

C. Land Use and Planning

1. Redwood City General Plan

The Redwood City General Plan specifies that, due to the sensitive nature of the site, the salt ponds should remain as open space forever. The Saltworks NOP explains that the Project would require an amendment to the General Plan and that it would be potentially inconsistent with certain General Plan policies.

The EIR must assess the impacts of the proposed Project's requested changes in land use designations and allowable densities. To this end, the EIR should include a comparison table showing, for the existing setting and the proposed Project and each Project alternative, the total amount of soft- and hard-surface coverage, natural open space, and roadway miles. Even if not in tabular form, this type of information must be developed in order for the land use section of the EIR to provide meaningful analysis of potentially significant impacts of the Saltworks Project.

The EIR must identify mitigation measures available to reduce land use impacts to below a level of significance in accordance with City and CEQA criteria. Mitigation measures to reduce these impacts include, but are not limited to: clustering development on fewer acres; reducing the total contemplated development in the area; and transferring the density from the Project site to sites within downtown Redwood City.

2. San Francisco Bay Plan

The proposed Project requires approval of the Bay Conservation and Development Commission (BCDC). BCDC's San Francisco Bay Plan (Bay Plan) includes provisions relating to salt ponds and the potential for restoration, enhancement and conversion of salt ponds to subtidal or wetland habitat. The proposed Project is identified as "Salt Pond, Managed Wetland" in the Bay Plan. The EIR should evaluate

the Project's consistency with the Bay Plan, the Plan's salt-pond policies, and other requirements for BCDC approval of such activities proposed for the Project.

3. Consistency with the Public Trust

The EIR should include an accurate delineation of past and present submerged tidelands included on the proposed Project site. Lands subject to the ebb and flow of the tide are subject to the public trust for commerce, fisheries, and navigation. *See Marks v. Whitney*, 6 Cal. 3d 251, 258 & n.5 (1971). As such, they must be managed to advance the purposes of the trust. Such lands may also be subject to requirements imposed by the state statutes that originally transferred such lands to the City. These requirements may apply to former tidelands that have since been filled, if the trust was never properly lifted from the property. *See People v. Cal. Fish Co.*, 166 Cal. 576 (1913). The EIR must provide a full and precise accounting of past and present tidelands on the Project site and indicate whether they are subject to common law or statutory trust requirements.

4. Other Regulatory Agencies

Particular attention must be paid to regulatory agencies' intent for the Project site. For example, the U.S. Environmental Protection Agency stated, in a letter to the U.S. Army Corps of Engineers, that the Project site is restorable and identifies the Bay and its adjacent waters as critically important aquatic resources that warrant special attention and protection. In addition, the California Regional Water Quality Control Board stated, in its letter on the EIR for the Redwood City General Plan Update, that it supports the continuation of the land use designations for the site, noting that these designations protect an important biological resource (a distinctive and highly specialized salt-tolerant biota). The EIR must identify each agency's intention or plan for the Project site, evaluate the Project's consistency with these plans and identify feasible mitigation measures or Project alternatives if inconsistencies are identified.

D. Population, Employment and Housing

The EIR must assess whether the proposed Project will induce substantial population growth either directly (by construction of new residential units) or indirectly (by extension of infrastructure such as service facilities and roads). The NOP states that the Project would be growth-inducing. The growth inducing analysis in the EIR must include: (1) an estimate of the amount, location, and time-frame of growth that may occur as a result of the Project, and (2) identification of mitigation measures or alternatives to address significant direct and indirect impacts. The minimum study area for the analysis

of population, employment and housing impacts should be based on the "commute-shed." Evidence should be provided to support the study area selected.

The EIR should also include an analysis of the types of new jobs that will be generated by the Project and the salaries of new employees (e.g. the number of new part- and full- time employees; the salary ranges of these new jobs; and a description of where these employees live or will live). This information is important to be able to determine whether the Project will increase demand for affordable housing in the City and San Mateo County. The Project may cause the displacement of the six mobile home parks along East Bayshore Road (with approximately 1000 residents) and will increase pressure to redevelop other surrounding properties. The loss of this affordable housing will contribute to the already acute lack of affordable housing in the area. The EIR must address the potential loss of this affordable housing and provide appropriate mitigation for these potentially significant impacts.

Finally, the EIR must evaluate the Project's impact on jobs-housing balance. The applicant suggests that the Saltworks Project will reduce regional traffic because it will allegedly provide housing for the 40,000 workers who commute to Redwood City each day. While about 40 percent of these workers hold managerial or professional jobs, and these types of jobs are relatively higher income, many of the other occupational categories such as sales, retail, construction and maintenance have considerably lower salaries. The EIR must evaluate the percentage of these 40,000 workers that would be able to afford housing under the Saltworks proposal. The EIR must also evaluate the equivalent number of workers who live in Redwood City and commute to jobs elsewhere, as many Saltworks Project residents will undoubtedly do.

E. Climate Change

This Project has the potential to result in a substantial increase in emissions of GHG and would likely result in a cumulatively considerable contribution to climate change. Preliminary studies show that the Project would result in at least 7,000 to 8,000 new vehicular trips during peak hours alone. This increase in vehicular trips, and the associated increase in vehicle miles traveled (VMT), would result in a substantial increase in GHG emissions. Other sources of Project-related GHG emissions would also likely be substantial and could contribute significantly to climate change.

Despite the substantial increase in GHG emissions, the NOP does not provide *any* insight as to how the EIR will address the Project's climate change impacts. Other than a vague assertion that the Project has the potential to reduce VMT by

providing housing in proximity to transit facilities and major employment centers, the NOP is silent as to the Project's potential effect on meeting the City's GHG emission targets.

Nor does the NOP even acknowledge SB 375. SB 375 is intended to help meet regional GHG reduction targets through integrated land use, housing and transportation planning. According to SB 375, "[w]ithout improved land use and transportation policy, California will not be able to achieve the goals of AB 32." *See* SB 375 (2008), Section 1(c). Consequently, SB 375 will not have its intended effect unless regional and local governmental planning agencies, such as Redwood City, take it seriously. Compact, city-centered development necessarily results in a reduced need to drive and thus less need to build and expand regional arterials and freeways. Yet, if compact development trends do not clearly emerge from local jurisdictions' development practices, it will be difficult for regional planning agencies to adopt adequate and sufficient strategies for sustainable communities. The proposed Saltworks Project is not a city-centered development and, despite the applicant's proclamations to the contrary, would result in a tremendous increase in vehicular trips. This type of development is not sustainable and would not further the goals of SB 375. The EIR must evaluate these issues and identify mitigation measures and alternatives that would be consistent with the goals of SB 375.

In addition, the EIR must evaluate the effects of climate change on the Project itself. The Coastal Adaptation Working Group, in its efforts to identify climate change adaptation strategies, acknowledges that coastal zones are particularly vulnerable to climate variability, including sea level rise, land loss, changes in storms and flooding. Consequently, the Working Group recommends that agencies carefully consider prohibiting development of undeveloped, vulnerable shoreline areas containing critical habitat or opportunities for habitat creation. The Working Group further recommends that state agencies should generally not plan, develop, or build any new significant structure in a place where that structure will require significant protection from sea-level rise, storm surges, or coastal erosion during the expected life of the structure. *See* 2009 California Climate Adaptation Strategy, California Natural Resources Agency. The recent tsunami and catastrophic flooding in Japan provide a painful reminder of the dangers of placing housing in locations such as the project site.

F. Geology

The EIR must assess whether the proposed Project would expose people or structures to geologic risks. The Redwood City General Plan shows the inferred location

of a potentially active Quaternary-era fault crossing the Project site. In addition, the San Andreas Fault is located about 5.5 miles to the west. Regional liquefaction hazard mapping indicates that a large earthquake on the San Andreas Fault could result in moderate to high liquefaction hazard on the Project site.

The EIR should analyze the potential for these impacts with the development projects allowed under the Saltworks proposal. This analysis, which should be performed by a qualified, independent geologist, should include a review of the City's geotechnical policies and determine whether they are sufficient to avoid hazards. Policies should be included in the Project that preclude importation and exportation of fill and reduce the incidence of grading and site alteration.

The EIR should also analyze the impacts of the Project on soil erosion and increased sedimentation in water courses. Indirect impacts associated with Project grading, such as impacts on disposal sites and air quality (due to dust and exhaust of transport vehicles), should also be analyzed.

G. Hazards & Hazardous Materials

The proposed Project site has the potential to create a significant hazard to the public and the environment. Due to the site's use for salt production, and its proximity to the Port of Redwood City, hazardous materials may be present in the site's soils. In addition, the site may have diesel contaminated soils since it is included on the State Water Resources Control Board's database as a Leaking Underground Storage Tank site in response to the discovery of a leaking diesel tank. Consequently, the current status of all hazardous materials and contaminated sites in the Project area must be described. The Project may also create a hazard since the on-site wastewater treatment plant may require the storage and use of potentially hazardous chemicals. The EIR must evaluate the risks of exposure to all hazards for construction workers, residents and visitors to the Project area.

H. Air Quality

A project of the size contemplated by the Saltworks proposal will have serious air quality impacts during both the construction and operational phases. The EIR's discussion of construction impacts should evaluate the likely air quality impacts caused by airborne dust created during ground disturbing activities. This should include possible toxic air contaminant emissions caused by ground disturbing activities in areas that retain heavy metals and other chemicals from the historical use of the site. It should also evaluate the air quality impacts likely to be caused by construction-phase heavy duty

equipment and vehicle trips to and from the site. Particular attention should be paid to impacts caused by heavy-duty trucks idling at the Highway 101 ramps at Marsh Road, Woodside Road and Whipple Avenue.

Operational air quality impacts that must be evaluated include increased emissions associated with Project-related traffic and any stationary and area source emissions from the Project. The Project proposes the placement of sports fields and schools at the southern end of the Project site near East Bayshore Road and Highway 101. The California Air Resources Board (CARB) has determined that living close to high traffic and the associated emissions may lead to adverse health effects beyond those associated with regional air pollution in urban areas. Specifically, CARB found reduced lung function and increased asthma in children within 1,000 feet of heavy traffic. In addition to the respiratory health effects, proximity to freeways increases potential cancer risk. We urge the City to take these important health concerns into account, and to consult CARB's Air Quality and Land Use Handbook, when preparing the EIR for this Project .

I. Noise

Noise sources generated by the Project will include construction noise (e.g., pile-driving, jack-hammering and operational noise (e.g., mechanical equipment and processes, and truck traffic). A detailed noise analysis must include all noise generating components of the Project during site preparation, construction and operations. The EIR must also evaluate noise impacts to fish and wildlife as well as adjacent mobile home residents and neighboring communities. In addition, the EIR should identify mitigation measures and alternatives capable of minimizing or eliminating altogether noise impacts from the Project.

J. Public Services and Utilities

The EIR should analyze the increased demand for all essential public services and utilities resulting from the Project's allowable development. The document must then determine whether service capacity exists to serve allowable development without reducing existing services. A detailed analysis of project and cumulative development demands must be included in order to determine whether there will be a need for expansion of services. Where expansion of services would have environmental impacts, the EIR must analyze those impacts as well.

For each service, the EIR should provide the following information: (1) present capacity of the service including all relevant facilities, (2) current demand, (3)

current remaining capacity or deficit, (4) projected need under the Saltworks Project, and (5) planned expansions of services or facilities. The analysis must include a determination of fees exacted for these services and facilities under the proposed Project. The Saltworks Project should have as a policy that any new developments pay all necessary costs for adequate provision of these services to new residents. The geographic study areas should conform to each service district's boundary. Thresholds of significance should include whether the provision of service would reduce the service for existing residents.

The EIR must also describe whether the Saltworks Project or cumulative development will limit the ability of service providers to comply with the requirements and standards of agencies charged with jurisdiction over the service providers (e.g., the requirements of the Regional Water Quality Control Board with respect to wastewater treatment and statutes governing solid waste).

K. Wastewater

The EIR must assess whether the development allowed under the Saltworks Project can be adequately served by existing wastewater treatment facilities or whether the Project would require construction of new treatment facilities. As noted in the NOP, the Project was not included in the South Bayside System Authority's (SBSA) 10-year Capital Improvement Plan. This lack of adequate wastewater treatment capacity is a serious constraint on Project development since expansion of wastewater treatment facilities or the construction of an on-site system raise serious and wide-ranging environmental concerns. If the Project proposes the construction of an on-site wastewater treatment system, the EIR must include the facility's design and operating specifications. Regardless of whether the applicant proposes an on-site system or intends to rely on SBSA's facility, the EIR must examine the environmental implications associated with every stage of wastewater service (e.g., collection, treatment and disposal).

L. Water Supply

The Project applicant proposes to supply potable water for the Project utilizing a transfer of water from the Kern County Water Agency. This source of water is intended to meet the water demands of the Project for 35 years with an option to extend the right for an additional 35 years. Numerous questions remain unanswered regarding the feasibility of this water supply approach. Consequently, the prospect of a long-term, sustainable source of water for this Project is highly questionable, at best.

The EIR must include a water supply assessment. In addition, the EIR should evaluate the adequacy of this assessment to determine whether sufficient water supplies are available to serve the Project. The EIR should describe in detail the intended sources of water for the proposed Project and describe the environmental impacts to these sources. A description of the quality of water, both current and anticipated, from these sources should also be provided. Finally, the EIR should describe the means by which any adverse impact resulting from the use of the identified water sources will be addressed.

M. Transportation and Traffic

Transportation for the proposed Saltworks Project poses yet another significant constraint to development. Although the applicant suggests the Project will reduce traffic, the preliminary indication is that the Project would add between 7,000 to 8,000 new peak hour vehicular trips to already overtaxed area roadways. Consequently, the EIR must carefully examine Project-related and cumulative impacts on the local and regional transportation system. Reductions in projected vehicle trips based on mixed-use trip internalization must be justified in the context of the lack of off-site transit proposed by the project applicant. The City's Preliminary Analysis of Transportation and Circulation states that the Project's trip generation figures would be reduced by up to 30% due to "trip internalizing," but this reduction appears to be based on erroneous assumptions (e.g., that the Project is in-fill development and that off-site transit will be in place). The impacts of the proposed Project should be analyzed against existing traffic conditions on local arterials and affected freeways, freeway ramps and freeway interchanges. Particular attention should be paid to the effect that construction and operation of the Project would have on operations at the Port of Redwood City and other businesses on Seaport Boulevard, as well as on surrounding communities such as Docktown. The EIR must also address how the Port's operations and Project construction would affect the capacity and safety of affected roadways.

The addition of roadway capacity (i.e., building new roadways and widening existing highways) is no longer an acceptable solution to meeting local and regional transportation needs. Therefore, the EIR should evaluate mitigation measures and or Project alternatives that result in no net increase in vehicular trips.

Finally, the EIR must evaluate the relationship between transportation and parking supply since parking is an essential component of the transportation system.

Excessive parking supply can exacerbate problems with traffic congestion and GHG emissions.

N. Visual Resources

The proposed Project site is undeveloped aside from one structure, the Facility Headquarters utility shed and some salt harvesting equipment. The proposal contemplates construction of a number of tall buildings ranging from four to seven stories and other visually intrusive features such as a new Highway 101 overcrossing. Consequently, the Project would replace expansive views of marshlands/wetlands, sloughs, and open water with urban development.

The EIR must analyze the impacts of the Saltworks Project on aesthetics including scenic vistas, scenic resources, the visual character of the region, and the introduction of light or glare to the region. The NOP identified all of these impacts as potentially significant. The analysis should be guided by the following accepted approach to analyzing visual and aesthetic impacts:

- Describe thresholds of significance;
- Characterize the existing conditions in the region (photograph and describe the region; select key viewpoints within the area, including scenic corridors and landscapes);
- Illustrate the change in character of the area before and after the land uses planned by the proposed Project (use photo montages or visual simulations); and;
- Identify feasible mitigation measures and alternatives to reduce or eliminate significant impacts. (where mitigation measures are proposed, use simulations to illustrate the change in character before and after project mitigation measures are imposed.)

This analysis must include clear graphics showing pre- and post-Project visual conditions using an appropriate technique. The Project's introduction of light and glare must be analyzed for impacts on wildlife as well as adjacent mobile home residents and other neighboring communities.

O. Cumulative Impacts

An EIR must discuss the cumulative impacts of a project when the incremental effects of a project are considerable when viewed in connection with the effects of other past, current, and probable future projects. CEQA Guidelines §15130(a). A legally adequate cumulative impacts analysis must consider the impacts of the Project combined with other past, present, and probable future projects. CEQA Guidelines § 15130(b)(1). Projects currently under environmental review clearly qualify as reasonably probable future projects to be considered in a cumulative impacts analysis. *See San Franciscans for Reasonable Growth v. City & County of San Francisco*, 151 Cal. App. 3d 61, 74 n.13 (1984). In addition, projects anticipated beyond the near future should be analyzed for their cumulative effect if they are reasonably foreseeable. *See Bozung v. Local Agency Formation Comm'n*, 13 Cal. 3d 263, 284 (1975).

III. ALTERNATIVES

An EIR must describe a range of alternatives to the proposed project, and to its location, that would feasibly attain the project's basic objectives while avoiding or substantially lessening the project's significant impacts. Pub. Res. Code § 21100(b)(4); CEQA Guidelines § 15126.6(a). A proper analysis of alternatives is essential for the City to comply with CEQA's mandate that significant environmental damage be avoided or substantially lessened where feasible. Pub. Res. Code § 21002; CEQA Guidelines §§ 15002(a)(3), 15021(a)(2), 15126.6(a); *Citizens for Quality Growth v. City of Mount Shasta*, 198 Cal. App. 3d 433, 443-45 (1988). As stated in *Laurel Heights Improvement Association v. Regents of University of California*, "[w]ithout meaningful analysis of alternatives in the EIR, neither the courts nor the public can fulfill their proper roles in the CEQA process. . . . [Courts will not] countenance a result that would require blind trust by the public, especially in light of CEQA's fundamental goal that the public be fully informed as to the consequences of action by their public officials." 47 Cal. 3d 376, 404 (1988).

Other than a passing reference that continued salt production will be an alternative in the EIR, the NOP does not identify any other Project alternatives nor does it describe the approach that will be undertaken to develop alternatives. Given the significance of environmental resources on and around the Project site, the City should consider alternatives that alter the development to reduce or avoid environmental impacts of the Project. The EIR should also evaluate an alternative that recognizes that all of the development anticipated by the Saltworks Project is planned to be accommodated in downtown Redwood City or other urbanized sites. Such an alternative is certainly feasible inasmuch as the recent General Plan Update reserves and retains the salt ponds'

open space designation while showing how the City's housing needs will be met through development in other locations. An infill development alternative is practicable and sustainable because transit, municipal infrastructure and services already exist downtown.

IV. CONCLUDING COMMENTS

In light of the lack of basic information in the NOP concerning the proposed Project and impact analyses, we urge the City to carefully craft its Project objectives and alternatives and defer circulation of the next iteration of the NOP until the Project has been fully defined or reconsidered.

Thank you again for the opportunity to provide these comments. We look forward to working with you as the Project review process proceeds. Please keep this office informed of all contracts, notices, hearings, staff reports, briefings, meetings, and other events related to the proposed project.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP

Robert "Perl" Perlmutter
Laurel L. Impett, AICP, Urban Planner

cc: Jared Blumenfeld, Regional Administrator, US EPA
LTC Torrey A. DiCiro, US Army Corps
Ren Lohoefener, Reg'l Director, Pacific Southwest. US Fish & Wildlife Service
Bruce Wolfe, Executive Officer, SF Bay Regional Water Quality Control Board
Will Travis, Executive Director, BCDC
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